

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Anthony M. Washington, )  
Plaintiff, ) **ORDER**  
vs. )  
Reliance Telephone Systems and McLean )  
County, )  
Defendants. )  
Case No. 1:19-cv-124

On January 3, 2020, plaintiff filed what the court construes as a motion to compel. He seeks production of a “discovery disk and or transcripts of Attorney monitored phone calls that are recorded and or warehoused by said Defendants.” (Doc. No. 24) (errors in original).

With respect to discovery in cases such as this, the court employs the following protocol. Once all of the defendants have made an appearance and filed a responsive pleading, the court will direct the parties to submit proposed scheduling and discovery plans. Upon receipt and review of these proposed plans, the court shall issue a scheduling and discovery order. See Fed. R. Civ. P. 16(b)(1). In the interim, discovery is not generally permitted. Cf. Fed. R. Civ. P. 26(d)(1) (“A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order.”).

Here, both defendants have yet to file a responsive pleading. Consequently, Washington's request for production of documents (Docket No. 24) is **DENIED** without prejudice on the ground that it is premature. Plaintiff can take solace in the fact that, with the submission of his request, he has given notice to defendants that he believes the requested material is relevant and needs to be

preserved.

**IT IS SO ORDERED.**

Dated this 6th day of January, 2020.

*/s/ Clare R. Hochhalter*

Clare R. Hochhalter, Magistrate Judge  
United States District Court